

REMARKS / ARGUMENTS

Claims 32, 41 and 43-45 will be pending in this application upon entry of this amendment.

The present claims are now limited to combinations which comprise a histone deacetylase inhibitor and epothilone B.

Claims 20-23, 25, 27-29, 31-35, 37, 44-45 and 50 were rejected under 35 USC 103(a) over Vite et al in view of Herceptin® package insert. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

The Examiner does not allege that Vite et al contains disclosure that suggests therapy which combines a histone deacetylase inhibitor with epothilone B. The Herceptin® package insert does not overcome this deficiency. Therefore, the presently claimed invention is patentable over the combined disclosure of the references.

The cancellation of claims 24 and 38-39 renders moot the rejection of those claims under 35 USC 103(a) over Vite et al in view of Dixon et al. Withdrawal of this rejection is requested.

Claims 20, 23, 27, 32, 34, 37, 44-45 and 50 were provisionally rejected for non-statutory obviousness-type double patenting over claims 11-14 and 18-19 of copending Application No. 11/451,286 as evidenced by Hande. Applicants believe that the claims now under consideration are not properly included in this rejection. However, a terminal disclaimer can be considered once claims in the applications are allowed.

Claims 20, 23-25, 27-32, 34-35, 37-39, 41 and 50 were rejected under 35 USC 102(b) as anticipated by O'Reilly et al. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

The Examiner does not allege that O'Reilly et al has any disclosure relating to the combination of epothilone B with a histone deacetylase inhibitor, and Applicants believe that the reference does not make such a disclosure. Therefore, the reference does not identically

disclose the presently claimed invention. For this reason, Applicants request withdrawal of the rejection under 35 USC 102(b) over O'Reilly et al.

The rejection of claims 21, 28-29 and 31 under 35 USC 103(a) over O'Reilly et al in view of the Herceptin® package insert is rendered moot by the cancellation of the rejected claims. Therefore, withdrawal of the rejection is requested.

The rejection of claims 22 and 33 under 35 USC 103(a) over O'Reilly et al in view of the Camptosar package insert is rendered moot by the cancellation of the rejected claims. Therefore, withdrawal of the rejection is requested.

Entry of this amendment and reconsideration and allowance of the claims are respectfully requested.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George R. Dohmann", written over a horizontal line.

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